

EXHIBIT 3



U.S. Department of Justice

Antitrust Division

Liberty Square Building

*450 5th Street, N.W.
Washington, DC 20530*

February 3, 2023

VIA EMAIL

Eric Mahr, Esq.
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700 13th Street, NW
Washington DC 20005-3950

Re: *United States, et al. v. Google LLC*, No. 1:23-cv-108 (E.D. Va.) –
Document Preservation Obligations

Dear Counsel:

I write regarding Google LLC's ("Google's") document preservation obligations in the above-referenced litigation.

On January 20, 2023, Google CEO Sundar Pichai announced the lay-off of approximately 12,000 employees of Google and its parent Alphabet Inc.¹ Should any of those employees have information relevant to the claims and allegations in this action, please take immediate action to ensure those employees' relevant documents and electronically-stored information are preserved. Just like for current Google employees, Google is obligated to preserve any documents or information stored on individual employee computers, tablets, smartphones, and other mobile devices, including text messages. Please confirm Google is doing so.

Additionally, since the outset of the investigation preceding this litigation, Google has been obligated to preserve relevant chats between employees and, on several occasions, the Antitrust Division has raised concern about Google's preservation of such chats.² The proceedings in *Epic Games, Inc. v. Google LLC et al.*, No. 3:20-cv-5671 (N.D. Cal.) (and its related cases) have indicated that Google has failed to instruct its employees to properly preserve employee chats when legally required to do so. The Antitrust Division's own investigation raised questions about whether Google employees fulfilled their obligations to preserve relevant employee chats.³ Please confirm that Google will immediately stop deleting any employee chats relevant to the claims and allegations in

¹ See Sundar Pichai, "A Difficult Decision to Set Us Up for the Future" (Jan. 20, 2023), <https://blog.google/inside-google/message-ceo/january-update/>

² See, e.g., Nov. 17, 2020 Email from J. Hogan to F. Rubinstein; Dec. 23, 2020 Letter from J. Hogan to F. Rubinstein; June 1, 2021 Letter from J. Hogan to J. Elmer; July 23, 2021 Letter from J. Hogan to J. Elmer.

³ See, e.g., Dep. of B. Stewart (May 17, 2021) at 35; Dep. of S. Spencer (Aug. 12, 2021) at 143.

this action and that every such relevant employee chat will be preserved, consistent with Google's document preservation obligations.

Sincerely,

/s/ Michael Wolin

Michael Wolin
Trial Attorney